

**TOWN OF ELSMERE
BOARD OF ADJUSTMENTS
MEETING MINUTES**

**July 23, 2013
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Board Member Patricia Boyd – Present
Board Member Ron Russo – Present
Board Member John Smith – Present
Board Member John Acton – Present
Chairman James Personti – Present

APPROVAL OF MINUTES:

Minutes from the March 26, 2013 Board of Adjustment Meeting

ACTION: A motion was made by Board Member Smith to approve the Minutes as transcribed. The motion was seconded by Board Member Boyd.

VOTE: All in favor Motion Carried

OLD BUSINESS:

None

NEW BUSINESS:

Appointment of the new Secretary for the Board of Adjustment

ACTION: A motion was made by Board Member Boyd to nominate herself as the new Secretary. Board Member Russo seconded the motion.

VOTE: All in favor Motion Carried

Review Petition 13-03 Tax Parcel # 1900-400-039

Amy Lane introduced herself as the resident of 2 Poplar Ave. She stated her reasons for needing to rebuild her garage that she lost in a fire. She said she desperately needed it for storage space.

Jennifer Holstein introduced herself as the resident at 5 Poplar Ave. and stated she was in favor of the petition.

5th District Councilwoman, Joann Personti, stated she was in favor of the petition.

Mayor, Steven Burg, also stated he was in favor of the petition.

Code Officer Swift read from Chapter 225-33 of the Town of Elsmere Code, that “if a non-conforming building is destroyed to the extent of more than 50% of the reported evaluation, it cannot be rebuilt.” He then stated that it’s the position of the Code Enforcement office that the lot should comply with the current code.

ACTION: A motion was made by Board Member Smith to approve Petition 13-03. Board Member Russo seconded the motion.

VOTE: All in favor Motion Carried

Review Petition 13-04 Tax Parcel # 1900-400-038

Denice Fioravanti introduced herself as the owner of 2 ½ Poplar Ave. She went on to state the reasons for needing to rebuild her garage that she lost in a fire.

Jim Cammock introduced himself as the contractor to perform the proposed work. He stated they were going to build upon the same footprint and make it the same exact structure. He also stated a structural engineer determined the original foundation was structurally sound.

Councilwoman Personti stated that everything she said for Petition 13-03 also applies to this application.

Amy Lane, from 2 Poplar Ave. stated she would appreciate if the Board approve the petition seeing as the unfortunate fire started on her property and spread to Ms. Fioravanti’s garage as well.

Code Officer Swift stated that the position of the Town is the same as for the previous petition, which was, they believe they should comply with all current codes.

Mayor, Steven Burg, stated he was in favor of the petition.

ACTION: A motion was made by Board Member Boyd to approve Petition 13-04. Board Member Russo seconded the motion.

VOTE: All in favor Motion Carried

Review Petition 13-05 Tax Parcel # 1900-400-537

Amanda Longacre introduced herself as a legal assistant at Billion Law located at 922 New Rd. She stated they were proposing to put vinyl lettering on the building to show the location of their office, because people have a hard time locating them.

Board Member Boyd asked how big the lettering was.

Ms. Longacre said she was unsure of the exact size, but that it would fit on one window, like in the picture on Exhibit 13-05E.

Board Member Acton asked if they were the only tenant in the building.

Ms. Longacre said they were.

Board Member Acton then asked if the building was set up to accept future tenants.

Ms. Longacre stated that they were possibly going to take over the rest of the building as well, but there's a possibility there could be other tenants.

Code Officer Swift stated that, according to the Town's Code, there must be a 20' setback from the sign to the roadway, and there is no possible way for any sign on this building to comply with that Code.

ACTION: A motion was made by Board Member Russo to approve Petition 13-05. Board Member Smith seconded the motion.

VOTE: All in favor Motion Carried

Review Petition 13-02 Tax Parcel # 1900-100-010 also known as 112 Washington Ave.

Marisa Parrish, the owner of 112 Washington Ave., appeared before the Board and presented her reason for filing the appeals of 3 citations. In addition to Ms. Parrish, the Board heard testimony from others including Town Officials.

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The first was Citation #V3-00315, which was issued on May 4, 2013, alleged a violation of section 303.2 of the 2000 International Property Maintenance Code (All exterior surfaces shall be maintained in good condition.)

The second was Citation #V3-00345, which was issued on May 14, 2013, alleged a violation of section 303.2 of the 2000 International Property Maintenance Code (All exterior surfaces shall be maintained in good condition.)

The third was Citation #V3-00352, which was issued on May 15, 2013, alleged a violation of Chapter 145 of the Town of Elsmere Code (More than 2 violations for prohibited conduct has occurred within a 12 month period, constituting a “Repeated Public Nuisance”.)

At the conclusion of the testimony, and after introduction of evidence, Board Member Russo made a motion to recess so as to defer the decision on the appeal of Citations #V3-00315, #V3-00345, and #V3-00352 for 10 days which was not seconded. Therefore, the motion died.

ACTION: A motion was made by Board Member Russo to recess so as to defer the decision on the appeal of Citations #V3-00315, #V3-00345, and #V3-00352 for 10 days which was not seconded.

VOTE: Motion Died

Board Member Boyd then made a motion to deny the appeal of Citations #V3-00315, #V3-00345, and #V3-00352 which was seconded by Board Member Acton. A vote was taken and 4 Board Members in attendance voted in favor of the motion while 1 abstained. Therefore, the appeal of these Citations was denied.

ACTION: A motion was made by Board Member Boyd to deny the appeal of Citations #V3-00315, #V3-00345, and #V3-00352. The motion was seconded by Board Member Acton.

VOTE: 4 in favor and 1 Abstained Motion Carried

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Board Member Russo to adjourn. The motion was seconded by Board Member Boyd.

VOTE: All in favor

Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the July 23, 2013 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

JAMES PERSONTI, CHAIRMAN

PATTY BOYD, SECRETARY